

*Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.*

Lorena Morales

May 30, 2018



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Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

Page 5	Page 7
<p>1 Q Okay. The other thing is, is I don't know -- some of 2 us are prone to saying uh-huh instead of yes or no, and 3 we need to make sure that we give a clear, verbal 4 answer, because when we go back to read this later, we 5 might not be able to tell the difference between an 6 uh-huh on the record.</p> <p>7 A I understand.</p> <p>8 Q And the other thing that I just want to make sure that 9 you understand is that you are under oath today and 10 any -- I need to know if there's any reason that you 11 can't testify accurately or if you have any memory 12 problems or anything like that.</p> <p>13 A I don't.</p> <p>14 Q If I ask questions that you don't understand, if you 15 could let me know, I would really appreciate it, and 16 I'll try to rephrase for you.</p> <p>17 A Yes.</p> <p>18 Q So I know that you spoke with the lawyer for Smithfield 19 to prepare for your deposition. I don't need to know 20 any of the details of that. I would like to know what 21 you -- if you reviewed any documents to prepare for 22 your deposition today.</p> <p>23 A No, ma'am.</p> <p>24 Q Did you discuss the facts of this case with anyone 25 besides your attorney?</p>	<p>1 wash. I was there for a little while. Then I signed 2 for a night shift, inventory clerk. You know, I used 3 to do the inventory of the vats. I was there for about 4 18 months. My job got cancelled. I was sent back to 5 the same department, department 19, morning shift, and 6 ever since I've been there doing --</p> <p>7 Q What was that?</p> <p>8 A Never mind. I'm sorry.</p> <p>9 Q And do you have a specific job that you do in 10 department 19?</p> <p>11 A First of all, when my job was cancelled, 12 I used to do the clipper in the Great Bend line it's 13 called, Great Bend line. After that, I signed a job 14 to -- in the deli line, and I would put the hams on the 15 racks, and that's what I would do.</p> <p>16 Q Is that in department 19 too?</p> <p>17 A Yes.</p> <p>18 Q How many departments are there at John Morrell?</p> <p>19 A I don't know how many. There are many.</p> <p>20 Q Tell me what it is that you like about department 19.</p> <p>21 A What I like about that department is that you have 22 steady job, you know, you get to know the people, you 23 don't get shift from here to there or they tell you no 24 work no more. You know, you have a steady job. That's 25 what -- that's what you get. And that's what I like</p>
Page 6	Page 8
<p>1 A No, ma'am.</p> <p>2 Q Okay. Can you give me just a little background about 3 yourself, Lorena? I'm interested -- first of all, how 4 old are you?</p> <p>5 A Okay. <u>My name Lorena A. Morales. I was born in Mexico</u> <u>back in 1966. I've been in the States for over</u> <u>35 years. I was hired at Smithfield, formerly John</u> <u>Morrell's, August 8th, 2011. I've been working there</u> <u>since.</u></p> <p>10 Q Okay. One other little key about deposition practice 11 is, I was just asking your age and you kind of gave me 12 a lot of information there. That's okay, because we 13 need to get that out of the way.</p> <p>14 Did you work anyplace else before you worked at 15 John Morrell's, or was that -- have you had other 16 employment in the area?</p> <p>17 A I had, yes.</p> <p>18 Q And where was that?</p> <p>19 A Okay. I worked in the card -- calling card center 20 industry for about three years. I worked at Avacar, 21 not existing anymore, for three years. After that, 22 John Morrell.</p> <p>23 Q Can you tell me the jobs that you have held at 24 John Morrell?</p> <p>25 A Yes. I was hired in the department 19 that is called</p>	<p>1 about it. Maybe it's security.</p> <p>2 Q Is that different than other departments?</p> <p>3 A It varies. I don't know. It is. Some departments go 4 for longer shifts and some departments are shorter 5 shifts or different schedules, you know.</p> <p>6 Q So your current position today, what is your job title?</p> <p>7 A Right now, I am working in department 27, which is 8 called canning, and I do -- I put the pans on the line. 9 That's what I do.</p> <p>10 Q How long have you been in department 27?</p> <p>11 A Over a year now.</p> <p>12 Q And how come you left department 19 to go to 13 department 27?</p> <p>14 A It was a job opportunity that I had.</p> <p>15 Q And the grade of work in department 27, what is -- what 16 is your current grade?</p> <p>17 A It's grade 1.</p> <p>18 Q Are you a union member?</p> <p>19 A I am.</p> <p>20 Q While you were working in department 19, you worked 21 with Sala?</p> <p>22 A Yes.</p> <p>23 Q For, it seems like, a couple of years?</p> <p>24 A Yes.</p> <p>25 Q Did you have any problems between you and Sala?</p>

Sala Naambwe and Yvette Nimanya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

Page 9	Page 11
<p>1 A No, ma'am.</p> <p>2 Q What kind of a worker is Sala?</p> <p>3 MS. CALEM: Objection. Form.</p> <p>4 THE WITNESS: Okay. Sala, to myself, she -- she</p> <p>5 worked whatever you -- whenever she goes to work, she</p> <p>6 gets the job done.</p> <p>7 BY MS. POCHOP:</p> <p>8 Q And you also worked with Yvette for a number of years,</p> <p>9 right?</p> <p>10 A Yes.</p> <p>11 Q Did you have any problems between you and Yvette?</p> <p>12 A No.</p> <p>13 Q And can you tell me what kind of a worker Yvette is?</p> <p>14 MS. CALEM: Object to the form.</p> <p>15 BY MS. POCHOP:</p> <p>16 Q You can answer.</p> <p>17 A Yvette is just like me. We just go and do what we are</p> <p>18 told to do, and we do it. That's it.</p> <p>19 Q One of the main reasons that I asked you to come and</p> <p>20 testify is because you were involved with an incident</p> <p>21 with Scott Genzler, a coworker, in February of 2016.</p> <p>22 But I'm wondering if you had any incidents where you</p> <p>23 had a coworker or a manager make any racial remarks to</p> <p>24 you prior to that incident.</p> <p>25 A There are issues that I'm disliking, you know,</p>	<p>1 A I hear things. Yes, I hear things.</p> <p>2 Q And I'm talking about besides the Scott Genzler</p> <p>3 incident.</p> <p>4 A Yes.</p> <p>5 Q How often -- well, give me an example. I can tell that</p> <p>6 you are thinking about a memory, and I know this is</p> <p>7 uncomfortable for you. But can you give me an example</p> <p>8 of a racial remark that you can call to mind that you</p> <p>9 heard somebody say in the workplace?</p> <p>10 A Per se, like, they are so slow, they are so stupid, or</p> <p>11 they are so black, or something like that, yes.</p> <p>12 Q Are those comments directed at people of African</p> <p>13 heritage?</p> <p>14 A Well, the whole continent is so huge, yes.</p> <p>15 Q Who have you heard make comments about your black</p> <p>16 coworkers like that?</p> <p>17 A I don't know. The closest comes to me would be maybe</p> <p>18 Becky. That's what I would say, that she says, you</p> <p>19 know --</p> <p>20 Q Becky Kaufman? Is that her last name?</p> <p>21 A I don't know. I don't know her last name.</p> <p>22 Q What is her job?</p> <p>23 A I don't know, because I'm not in that department</p> <p>24 anymore.</p> <p>25 Q And that's in department 19?</p>
Page 10	Page 12
<p>1 something that I, per se, think that is happening to</p> <p>2 me. The truth is this: When you're in a job, you have</p> <p>3 to know that that's your job. Everybody's got a job to</p> <p>4 do. Supervisors, they have to do their jobs, and we</p> <p>5 have to follow their orders or directions.</p> <p>6 Some of us are more aware of the union and the</p> <p>7 rights, you know, what is my right or what is not. You</p> <p>8 don't know about it? You just go along, and they</p> <p>9 sometimes can -- they could pull it off easier from one</p> <p>10 person to the other.</p> <p>11 And myself, I'm not a standing-up person. I just</p> <p>12 get along, you know, happy-go-along, that's what I am,</p> <p>13 and that's -- I'm there to earn my money to pay my</p> <p>14 bills. I don't care about the rest, per se.</p> <p>15 Did I answer?</p> <p>16 Q I think I know what you're saying, but the question</p> <p>17 that I'm asking -- and I understand a lot of people</p> <p>18 just keep their head down and work. You need your job,</p> <p>19 right?</p> <p>20 A Yes.</p> <p>21 Q But have you been subject to racial comments in the</p> <p>22 workplace?</p> <p>23 A No, ma'am.</p> <p>24 Q Have you heard other people of color be subject to</p> <p>25 racial comments in the workplace?</p>	<p>1 A Well, I thought -- yeah.</p> <p>2 Q When was the last time you would have heard her say</p> <p>3 comments about people's race in the workplace?</p> <p>4 A All the time.</p> <p>5 Q You know that's a violation of the Smithfield</p> <p>6 discrimination policy, right?</p> <p>7 A No. No.</p> <p>8 Q Oh, okay.</p> <p>9 A Because, as I said, it's not like -- I read the book,</p> <p>10 you know, the -- what is it called, the union book, and</p> <p>11 union book says something, and then when you tell them</p> <p>12 about it, they say, no, that doesn't apply here, or</p> <p>13 whatever. I don't know. But it happens. And it</p> <p>14 wasn't only me. That's a very well-known fact that she</p> <p>15 would say something like that.</p> <p>16 Q Did you ever go to the union to report that she was --</p> <p>17 A No, because she would never say that about me, or, if</p> <p>18 she did, I don't know.</p> <p>19 Q As a person of Mexican heritage, have you heard people</p> <p>20 make racial comments about Hispanic workers in the</p> <p>21 workplace?</p> <p>22 A Oh, yes. That's the way it is, you know. It's a</p> <p>23 common thing there. You just are either a part of it</p> <p>24 or you just get away from it. Me? I hear stuff</p> <p>25 because I'm not deaf, but, like, getting into, you</p>

Sala Naambwe and Yvette Nimanya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

<p style="text-align: right;">Page 13</p> <p>1 know, telling about it or, yes, you do or -- no, that's 2 not my business. 3 Q Would you be worried that you would have a difficult 4 time with your coworkers if you made a report? 5 MS. CALEM: Object to the form of the question. 6 THE WITNESS: Anybody would be very uncomfortable. 7 Yes, anybody. 8 BY MS. POCHOP: 9 Q I wanted to ask you, this document has been previously 10 marked -- I don't know which number it is. This is the 11 Smithfield conduct and ethics handbook. Is this a 12 document that you would have seen before as an employee 13 of Smithfield Foods? 14 A No. 15 Q I also wanted to ask you -- did you get a copy of what 16 we have marked as <u>Exhibit 27</u>, which is the union 17 contract? 18 MS. CALEM: I'm going to object, because you're 19 just holding this up. She has no way of really knowing 20 what it is. 21 MS. POCHOP: Actually, there's a copy of it 22 sitting right there. 23 MS. CALEM: That's the collective bargaining 24 agreement. 25 MS. POCHOP: The collective bargaining agreement,</p>	<p style="text-align: right;">Page 15</p> <p>1 BY MS. POCHOP: 2 Q So even though you have training that tells you you 3 should report that, you should speak up if you don't 4 like it, and you don't like it, why don't you report 5 it? 6 A Why don't I report it? I tell you why. Because my job 7 is to go and do and perform and get my paycheck. When 8 I feel something, I go to the office, I tell them. So 9 far I have not given any negative -- you know, like, 10 they haven't shut me off. When I got sick, they did 11 take care of myself, you know. When I needed -- you 12 know, when I do something wrong, they tell me this and 13 that. When I do something right, they just 14 leave me alone. It's like, you come to work, you do 15 your job, go home safe. Come to work, do your job 16 safe, go home safe. That's what they want us to do. 17 Q I understand what you're saying. 18 A It's because that's what I -- that's my way of 19 thinking. They pay me to come and do something. When 20 I get hired, I signed a document stating that I was 21 able to perform what they were asking me. When I came, 22 you know, to the job, they trained me. When I got 23 down, they did take care of me, and, therefore, my 24 relationships with my coworkers, I do -- if it's 25 something really offensive that I don't -- that I</p>
<p style="text-align: right;">Page 14</p> <p>1 that's right. 2 THE WITNESS: I believe this is something that 3 only management has. 4 MS. CALEM: It's this. 5 THE WITNESS: Yeah. But, it's open. If you're 6 interested in knowing what's going on, you can go and 7 ask for their book and nobody say, no, I don't have it 8 or I don't know what's that, or anything. It's 9 available if you ask for it. 10 BY MS. POCHOP: 11 Q What is your understanding about the company's Speak Up 12 policy? 13 A Okay. They do give you -- in safety classes, they give 14 you the -- they advise you to go ahead and if you don't 15 like something, talk to your supervisor, talk to -- you 16 know, the door is open -- open door policy they have. 17 And, yes, they tell us to do that, when we don't like 18 something, go and talk to them. 19 Q I can tell from your answers about my questions about 20 racial comments in the workplace that you don't like 21 them and you -- do you have annual training on the 22 Speak Up program? 23 MS. CALEM: Object to the form. 24 THE WITNESS: Annual -- yes. Yes, we do. 25</p>	<p style="text-align: right;">Page 16</p> <p>1 cannot swallow, excuse me, you know, let's go and talk, 2 you and I. Nothing gets in order? You know, then I go 3 to the next level. So far so good with me. 4 Q Have you had that happen? 5 A Yes, I did. I had. 6 Q So can you tell me about it? 7 A There is so many people working in that company with 8 different cultures, different levels of education, 9 different backgrounds, different everything. So when 10 you are working there, you realize that not everybody 11 is at the same level. 12 So for some people it's better to avoid all kinds 13 of contact or -- you know, or relationships. Just come 14 and do it and go home. 15 For some it's better to -- you know, to couple up 16 with some people. With other people, it's better to 17 have a whole clan together because of the kind of job 18 we perform. 19 So when that happens, they -- we just -- we just 20 have to know each other. Sala is very, very 21 responsible and she's -- she's got her way. She 22 doesn't let you down, but she doesn't mingle with you 23 either. It's like, okay, just go your way and leave me 24 alone. Just behave, let's do it. 25 Yvette is very playful. She plays. She likes to</p>

Sala Naambwe and Yvette Nimanya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

Page 17	Page 19
<p>1 laugh and she make us laugh and, you know, the day gets 2 shorter that way too.</p> <p>3 Me, myself, if anybody would tell you about 4 myself, they will tell you that I am just like Sala. I 5 just come to do the job and let's go. But so far 6 nobody has -- when I have that situation, I confront a 7 person that I did not feel comfortable with that really 8 got me. Then I said, you know what, we are not in 9 high school no more, you come here for your paycheck, 10 I'm here for my paycheck, let's settle this, because I 11 don't want it to go any farther. She says, okay, let's 12 do that.</p> <p>13 So that's how --</p> <p>14 Q Who was that, Lorena? I do get to know. You are under 15 oath here.</p> <p>16 A Yes.</p> <p>17 Q And I know it's uncomfortable.</p> <p>18 A Yes. With Becky. And, again, her last name I don't 19 know.</p> <p>20 Q And what did she say that got somebody like you to say, 21 stop it?</p> <p>22 A Yes. She would go and tell everybody about -- you 23 know, using the F-word: F Lorena and F Princess and F 24 this -- and she would use that kind of language, and I 25 put up with it as long -- as much as I could. But it's</p>	<p>1 are all get together. So when we get to work, some of 2 them just go farther -- you know, farther away. You 3 are mature enough. I said, you know what, crazy guy, I 4 don't care, let's get going.</p> <p>5 This guy was particularly playful, per se, 6 playful, and he would joke about, come closer and do 7 this and do that, you know. Some people would do it 8 and some of them, no, forget it, no, no, and you don't 9 do that to me.</p> <p>10 And that was one of Sala's big issue at the 11 beginning, that's sexual harassment, and we're talking 12 about -- and she says, no, I don't take this. She went 13 to the office. I don't know what happened. And most 14 of us, you know, say, no, I didn't see nothing, I 15 didn't hear nothing, because we just have to do that. 16 But it happened, yeah.</p> <p>17 Q Why do people say they don't see anything if they 18 really did see it?</p> <p>19 A I don't know.</p> <p>20 Q Did you get asked if you saw it?</p> <p>21 A I was in the group, but I wasn't asked. But I wasn't 22 going to go and say, yes, it happened, because they 23 didn't ask me.</p> <p>24 Q Which person was this that was, quote/unquote, playful 25 in a sexual way?</p>
Page 18	Page 20
<p>1 not just the words, you have to understand. It's just 2 not what they say. It's the way they say it. The 3 intentions they have in their words.</p> <p>4 So I came to the point and I said, I need to talk 5 to you. She says, what? I said, okay, listen, we'll 6 do this and we'll do that. I don't want to hear about 7 this anymore. You don't like something about me, you 8 come and you tell me, and then I see what I can do to 9 improve, or otherwise we go the next level. And she 10 says, no, it's okay, it's okay.</p> <p>11 Q So, after that, she didn't talk about you that way 12 anymore?</p> <p>13 A Not that I know. I guess she settled for it -- yeah, 14 we settle it.</p> <p>15 Q Did she continue to talk about other people --</p> <p>16 A No.</p> <p>17 Q -- in profane ways?</p> <p>18 A I was gone. I was gone out of the department pretty 19 soon after that.</p> <p>20 Q Have you seen people acting out sex acts and things 21 like that in the department?</p> <p>22 A It happens. Yes, it happens. I've seen it, yes.</p> <p>23 Q Who have you seen acting out sex acts?</p> <p>24 A Okay. It was -- we are all grownups, okay? We are not 25 in church. The truth is that we are not in church. We</p>	<p>1 A Oh, he is no longer at work. He doesn't work there 2 anymore.</p> <p>3 Q What's his name?</p> <p>4 A His name was Juan.</p> <p>5 Q Juan Ogal --</p> <p>6 A Ogaldez, something like that. I don't -- yeah,</p> <p>7 Q And was Juan playing around sexually with a lot of 8 different employees and asking the employees to come 9 over and touch his penis and do things like that?</p> <p>10 A Anybody -- anybody that will be there, that will be new 11 or any -- you know, he would do it, yes.</p> <p>12 Q Did he say something like that to you?</p> <p>13 A He did. He did. I tell him, you're crazy, forget it, 14 grow up.</p> <p>15 Q What did he ask you to do?</p> <p>16 A Oh, he would bring the nets closer, and he would go, 17 squeeze them -- see, I'm laughing because, for me, it's 18 like, you don't know what you're doing, really.</p> <p>19 He would bring the nets closer, and I would see 20 that, and then he would say, come and squeeze them, and 21 when you squeeze the nets, he -- you would go and kind 22 of --</p> <p>23 Q Did you see any other -- are there coworkers who joke 24 around and simulate sex acts with each other in the 25 workplace?</p>

Sala Naambwe and Yvette Nimenyia v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

Page 21	Page 23
<p>1 A Ask me again in another way.</p> <p>2 Q Have you seen some of your coworkers pretending like</p> <p>3 they're having sex with each other?</p> <p>4 A Oh, no. No. No.</p> <p>5 Q Have you observed condoms --</p> <p>6 A No.</p> <p>7 Q -- in the workplace?</p> <p>8 A No.</p> <p>9 Q So on the day -- I mean, you do know, Lorena, like,</p> <p>10 from the training that you get, that using profanity in</p> <p>11 the workplace is not permitted under Smithfield policy,</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 MS. CALEM: Object to the form of the question.</p> <p>15 BY MS. POCHOP:</p> <p>16 Q And you know that kidding around sexually, because you</p> <p>17 never know when you're going to offend somebody, is a</p> <p>18 violation of the Smithfield policy, right?</p> <p>19 MS. CALEM: Object to the form.</p> <p>20 THE WITNESS: I believe in, not only John</p> <p>21 Morrell's, anywhere else. Anywhere else.</p> <p>22 BY MS. POCHOP:</p> <p>23 Q And the same reason why you didn't go complain about</p> <p>24 racial comments -- why didn't you go -- is that the</p> <p>25 same reason you didn't complain about Juan making</p>	<p>1 even there to tell me nothing or look at me with kind</p> <p>2 of looks, you know, like (indicating), nothing, because</p> <p>3 my supervisor would protect me. He would say, be</p> <p>4 careful with her, she's the only one. And I have</p> <p>5 nothing to say about it.</p> <p>6 So when that job got cancelled, I was transferred</p> <p>7 again to day shift to department 19, and that's when I</p> <p>8 saw the things going on over there. I was just -- you</p> <p>9 know, I was just seeing and I was part of it. I was</p> <p>10 there, but I was not --</p> <p>11 Q The supervisor really made a difference.</p> <p>12 A I don't think they -- I don't think they knew. I don't</p> <p>13 know if they didn't know. See, I don't know that.</p> <p>14 Q Well, let's talk about the incident with Scott Genzler.</p> <p>15 On, it looks like it was a Friday, February 19, 2016.</p> <p>16 That's a long time ago. But do you remember the day</p> <p>17 that there was a confrontation between Scott, Sala, and</p> <p>18 Yvette?</p> <p>19 A It wasn't Friday. It was Saturday.</p> <p>20 Q It was a Saturday? Okay.</p> <p>21 A It was a Saturday.</p> <p>22 Q So tell me what you can remember about what happened.</p> <p>23 A We came to work on the line, and Scott, he was -- he</p> <p>24 was, socks in the horn. Them two, they were opening</p> <p>25 sockses -- do you understand what socks --</p>
Page 22	Page 24
<p>1 sexual gestures and remarks to you?</p> <p>2 A Okay. Whatever he did or whatever they do, whatever</p> <p>3 they choose to say or whatever -- whatever way they</p> <p>4 want -- they choose to act, it doesn't concern me.</p> <p>5 See, myself, I'm a grown-up woman. Very little really</p> <p>6 gets me, and when something gets me, I'll just say</p> <p>7 something to the person, and then I try to settle down.</p> <p>8 Nothing happens, then --</p> <p>9 But, it's impossible -- I worked third -- grave</p> <p>10 shift for 18 months, and those guys that I work with,</p> <p>11 they respect me so much. They -- they didn't even --</p> <p>12 the supervisor wouldn't allow them to say a bad -- you</p> <p>13 know, a swear word, nothing, when I was present.</p> <p>14 So when I was switched to the department, I</p> <p>15 thought that was the rule, that was the name of the</p> <p>16 game, just go along with everybody, and that's it.</p> <p>17 See, that's what I understood, that's how I got it, I</p> <p>18 mean.</p> <p>19 Q I need to understand. When you switched to what</p> <p>20 department?</p> <p>21 A No. I was working in department 19, remember, I told</p> <p>22 you. Then I was doing inventory for 18 months, the</p> <p>23 grave shift. That means from 11:00 p.m. until 7:00 in</p> <p>24 the morning.</p> <p>25 While I was working all the shift, nobody, nobody</p>	<p>1 Q Yeah, socks.</p> <p>2 A Yeah, they were opening socks. And it was after the</p> <p>3 first break and -- or before. Okay. It was in the</p> <p>4 morning. I don't -- if you ask me why the supervisor</p> <p>5 wasn't there, I don't remember no more, but we were</p> <p>6 without supervisors.</p> <p>7 So Scott, he was white, white. For some reason or</p> <p>8 another he lost his temper. He wanted to get out</p> <p>9 sooner, he didn't want to be there, I don't know why.</p> <p>10 But he started shouting, you know. First, he shouts</p> <p>11 let's go, let's go, let's go. And, first, the two of</p> <p>12 them, they were right there, and they got kind of</p> <p>13 nervous, you know, like they got, like, overwhelmed,</p> <p>14 and so they start opening -- they are so good. She's</p> <p>15 good opening sockses, but that day, I don't know, she</p> <p>16 got like -- so he got very (indicating), in the case.</p> <p>17 It's a long line, a long line, so most of us are</p> <p>18 packed in one area, and then they start throwing the</p> <p>19 hams very abruptly, you know, like (indicating), with</p> <p>20 intentions of hitting something or somebody, I don't</p> <p>21 know, but they were throwing the hams very harsh --</p> <p>22 harshly, they say, that's the word.</p> <p>23 So when I turned and I look, he start saying</p> <p>24 words, you know, nonsense words, and -- but I said</p> <p>25 they're crazy, I don't care. So we -- but until the</p>

Sala Naambwe and Yvette Nimanya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

Page 25	Page 27
<p>1 moment that he yelled -- he was swearing, okay? He did 2 swear. And then he said, hurry up, shut up F monkeys, 3 you know, monkeys. 4 I didn't take it from him. I said, whatever. But 5 the two of them -- oh, because they were talking to 6 each other, they were kind of talking to each other, 7 and they were saying -- so he just said, shut up F 8 monkeys. And that's as far as I know. 9 We finish the -- you know, the shift. We went 10 home. On the way out, the comment was, oh, Scott made 11 the girls very upset. He was really -- he made them 12 very upset. And I said, wouldn't you be upset if 13 somebody would call you that too? Yeah, yeah. Yeah, 14 yeah. He said that, yeah, yeah. Okay.</p> <p>15 Q Who said that?</p> <p>16 A Terry. Terry. And I said, oh, okay.</p> <p>17 We went home. They were very nervous, very -- 18 there is a word that I want to find. With a big 19 impression on them, like, you know, impresiónantes. 20 Impresiónantes?</p> <p>21 MS. CALEM: Impresiónantes? It made a big impact 22 on them?</p> <p>23 THE WITNESS: Yeah, it made a big impact. That 24 was what I -- when I looked at them and when I look at 25 them walking away, they look like, aw. So next --</p>	<p>1 There was no supervisor. We couldn't tell anybody 2 because there was no supervisor. 3 The next Monday -- that was on a Saturday. So 4 next Monday they come to my line, which is the deli 5 line, and they say, let's go to personnel. And I said, 6 did you tell them that we are coming? They say, yes, 7 they know we're coming. And I go, okay. Did the 8 supervisor let us go? Yeah, let's go, let's go. Okay, 9 okay.</p> <p>10 So we went to personnel, and I tell them, we have 11 to write it down really -- you know, what happened, we 12 have to write it down, because we cannot make it up and 13 we cannot forget, I tell them. Okay.</p> <p>14 And then they said, okay, you write it down. So I 15 started writing things down, you know, the date and the 16 time and this and that and that.</p> <p>17 We were sent back to the department. Nobody -- 18 they don't -- they didn't take us in. Why? I don't 19 know. Because we didn't ask for permission from the 20 supervisor, they told us to go back to the line.</p> <p>21 Q Did you go to HR on your break?</p> <p>22 A No, it wasn't break.</p> <p>23 Q Okay.</p> <p>24 A The line was running.</p> <p>25 Q Did you talk to Russ at all prior to going to HR?</p>
Page 26	Page 28
<p>1 BY MS. POCHOP:</p> <p>2 Q Before we go any further, I wanted to ask you -- you 3 said they were throwing the hams. Who was throwing the 4 hams?</p> <p>5 A It was Scott and it was that woman again, Becky, the 6 two of them together. They were -- they're very white, 7 they're white. They're white people. We are the 8 outcomers, so they don't like you --</p> <p>9 Q Were they throwing the hams to try to hurt you?</p> <p>10 A Yeah, because one -- yeah. No, okay. Okay. Let me 11 put it this way: There is this horn. You put the 12 socks in the horn. In order for the meat to get out, 13 they have to have a punch, you know, a punch. So they 14 push these two buttons, and that punch will push the 15 meat. Instead of doing it manually, they just push the 16 buttons and (indicating), the hams go.</p> <p>17 But if you go like -- you push them without order, 18 those hams just go and go, go, you know, and you could 19 hurt anybody. Yeah, you could hurt anybody. And I 20 know because I've done it, you know. I worked there, 21 so -- and when they left --</p> <p>22 Q Did you get hit with one of the hams in the hip or 23 something?</p> <p>24 A Yeah, yeah. They hit us, but we just go home, you 25 know. That's fine. We go home.</p>	<p>1 A No, no. I didn't.</p> <p>2 Q Russ didn't meet with you and Scott and Sala and 3 Yvette?</p> <p>4 A No. No.</p> <p>5 Q And so when you were in HR and you were writing all of 6 this down -- how come you were writing it?</p> <p>7 A Because I was the one who knows -- I am the one who 8 knows how to write in English.</p> <p>9 Q Who were you talking to in HR?</p> <p>10 A Whoever was -- you know, we don't -- we went to the 11 office. But there is a window, and we don't go 12 straight to the office. We have to wait. There is a 13 waiting -- you know. And when they know that we were 14 coming, supervisor came in -- wait. No, I take it 15 back. They told us to go back to the department.</p> <p>16 Q Who told you to go back?</p> <p>17 A The girl in personnel. We don't know their names. 18 They're way far from us. We don't go there every day. 19 We don't mingle with them. We are production.</p> <p>20 Q Was she interested in having you come back and complete 21 your complaint, or was she -- what was her -- how was 22 she acting to you?</p> <p>23 A No. She just came to the window -- that girl came to 24 the window and said, you need to go back to your 25 department. Oh, okay. We went back to the department.</p>

Sala Naambwe and Yvette Nimanya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

<p style="text-align: right;">Page 29</p> <p>1 Q Did Russ -- was Russ there at all? 2 A No, not in HR, no. Then he -- when we came to the 3 department like 15 minutes later or so, we were given 4 the warning because we left the line, yeah. 5 Q Were you given the warning in the department? 6 A Yep. 7 Q In front of other workers? 8 A No, no. 9 Q What did Russ tell you when he gave you a warning? 10 A Russ said, because you leave the line unattended, which 11 is true, I did. 12 Q Were you working on the same line as Sala and Yvette 13 that day? 14 A No, No. 15 Q What kind of disciplinary warning did you get -- 16 A Nothing. 17 Q -- when he handed you the slip? 18 A Only the slip. 19 Q What did it say? 20 A Don't know. I don't know. 21 Q Have you had disciplinary action before? 22 A Me? 23 Q Yeah. 24 A Yes. Yes. 25 Q For what kind of things?</p>	<p style="text-align: right;">Page 31</p> <p>1 A No, No. Never. 2 Q Did you observe Sala start to have more problems in the 3 workplace with coworkers? 4 MS. CALEM: Object to the form. 5 THE WITNESS: I would hear that she would, yeah. 6 Now, if you ask me, did she tell me directly this and 7 this and that, no, because she -- she withdraw from 8 everybody, you know, kind of just reserved, you know, 9 like better not get nobody else involved or better just 10 take care of myself. Yes, she did. 11 BY MS. POCHOP: 12 Q Did you know that Sala and Juan started working 13 together after the Scott Genzler incident? 14 A No. Oh, maybe she was placed in that line once or 15 twice, but I don't think so. Not like she would go 16 there and just do -- no, no, no, no. Not that I know. 17 I think she was there once. Other than that -- I 18 cannot tell twice. 19 Q Did people know that Juan and Sala were not to work 20 together? 21 MS. CALEM: Object to the form. 22 THE WITNESS: No. I don't know. 23 BY MS. POCHOP: 24 Q Did you think that Sala got treated differently than 25 other employees because she did complain?</p>
<p style="text-align: right;">Page 30</p> <p>1 A Because I come late to work or because -- mostly that, 2 yeah. 3 Q Anything else besides late to work? 4 A Such as? 5 Q I don't know. You need to tell me. 6 A No, No. 7 Q Did Scott say anything to you about having -- 8 A Yes. Later on, yes, he came very humbly after he had 9 talked to supervisors or whatever. I don't know what 10 happened. Yes, he did come very, very humbly. He 11 says, please, Lorena, Lorena, I apologize, forgive me. 12 He did, and he did it in front of a lot of people too. 13 Don't ask me how many or who were they, because I don't 14 remember. We were just a bunch. 15 Q Were Sala and Yvette -- 16 A I think they were. I think -- yeah, I think they were. 17 Because when he came, he came to the honey line, and by 18 that time I am not working with them. 19 Q How long after you got the warning slip for going to HR 20 did Scott come and humbly apologize to you? 21 A I don't remember. I'm sorry, but I don't remember 22 that. Maybe -- no. Maybe doesn't fit it, so -- a day, 23 two days maybe. 24 Q After that complaint did you have any more problems 25 with Scott?</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. CALEM: Object to the form of the question. 2 THE WITNESS: I think so, yes. 3 BY MS. POCHOP: 4 Q And how do you think she got treated -- in what way was 5 she treated differently? 6 A She -- my perception was this, that she was given the 7 cold shoulder and -- you know, she would be given the 8 cold shoulder, and the rumors you hear around is like, 9 you know, she's doing this now and she's doing that 10 now. You just hear rumors. 11 Q Did she get harder job assignments? 12 A I don't know. 13 Q Since the Scott Genzler incident -- how about Yvette? 14 How did people treat her after you guys tried to report 15 Scott? 16 A I don't believe Yvette was the issue. I believe Yvette 17 was just -- I don't know. Yvette was just -- my 18 perception, she was just as everybody else, same. 19 Q Did managers treat Sala -- give her the cold shoulder 20 too? 21 A I don't know. 22 MS. POCHOP: Lorena, I think I'm done, but I'd 23 like to just take a minute to make sure that I've asked 24 all the questions that Sala and Yvette wanted me to ask 25 today.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Lorena Morales
May 30, 2018

<p style="text-align: right;">Page 33</p> <p>1 THE WITNESS: Okay. 2 MS. POCHOP: So we'll just take a few minutes. 3 (Recess taken from 2:35 p.m. to 2:37 p.m.) 4 BY MS. POCHOP: 5 Q Lorena, was Russ Hultman the supervisor who was 6 supposed to be on duty on the shift where you got -- 7 where they were throwing the hams and Scott said the 8 racist things? 9 MS. CALEM: Object to the form. There's no 10 evidence he was supposed to be on duty at that time. 11 THE WITNESS: I don't know if he was supposed to 12 be there. I know there are two supervisors. 13 BY MS. POCHOP: 14 Q And neither one of them were present? 15 A No. 16 Q Is that unusual? 17 A Yes. 18 Q And -- I mean, it looks to me like destruction of 19 company property and hygienic treatment of food so that 20 people aren't touching it is a pretty important policy 21 at Smithfield. 22 A Uh-huh. 23 Q Is that true? 24 A Oh, yes. Yes. 25 Q Did one of the hams fall off and hit Sala in the foot?</p>	<p style="text-align: right;">Page 35</p> <p>1 were saying he was impatient, maybe he wanted to get 2 out sooner. He was saying, let's go, let's go, and he 3 was yelling. 4 And I think your testimony was that Sala and 5 Yvette maybe got nervous and overwhelmed and usually 6 they open the socks really well, but were they not -- 7 were they doing it differently than they normally did? 8 A Yeah, because they got -- we run so many hams per 9 minute, so we have to go, you know, constantly. So 10 when something disturbs you, you cannot go constantly 11 or normally, and that was pressure. He put pressure on 12 them to -- on the whole bunch of us who were there. 13 Q So what were they doing differently because they felt 14 pressure? 15 A They worked together. They go one and one, or they go 16 one and (indicating). They are pretty good at it. So 17 this time they were like, your turn, my turn, or -- you 18 know, like, what do we do now? So they start talking 19 to each other like -- 20 Yvette sings. She sings to make the time shorter 21 or to make the time more, you know, pleasurable, to 22 have a little -- likeable. And that day they were just 23 like, like -- there was what I saw over there. Then, 24 you know, whatever else you ask me -- 25 Q So what they were doing was that they were a little</p>
<p style="text-align: right;">Page 34</p> <p>1 A That day I don't know. I don't know about that. 2 Q How about the ham that physically hit you? What 3 happens to that? 4 A Oh, no. They put in the socks, so when we are -- we 5 have to get it, and then we have to clip it, see, for 6 them to hang it. 7 Okay. So when that happens, it's not like bruised 8 me or nothing. It's already cover in the sock -- 9 socks. And we have gloves and we have sleeves, plastic 10 sleeves, not to touch us directly on the skin, see, so 11 we are protected, we protect the product. 12 Q When you went to the -- do you know about what time it 13 was when you went to HR to make this report? 14 A Yeah. That was maybe 8:00 o'clock in the morning. 15 Q Kind of first thing in the morning? 16 A Yeah, first thing in the morning. 17 MS. POCHOP: Thank you, Lorena. I don't have any 18 further questions for you. I appreciate your honesty 19 today. 20 THE WITNESS: You're welcome. 21 MS. CALEM: Let me just go over my notes for one 22 minute and see if I have anything to ask you. 23 EXAMINATION 24 BY MS. CALEM: 25 Q Going to the Scott Genzler incident, it sounds like you</p>	<p style="text-align: right;">Page 36</p> <p>1 slower and maybe fumbling a little bit? 2 A Yeah, fumbling. Yeah, like -- 3 Q And then Scott got impatient with that? 4 A Uh-huh. 5 Q And when you say Becky was throwing the hams, was she 6 doing it at the same time as Scott? 7 A No, because -- okay. This is what she does. She was 8 up here. Okay? She -- she's got a hook. She gets the 9 ham. She drop it there. She push the two buttons. By 10 the time Scott's got the socks here, she push it, and 11 the ham goes, flies. We grab it, we clip it, and let 12 go. 13 So they would go like (inaudible), you know, 14 without time for us to clip it. So when it goes so 15 fast, you're grabbing one and it gets -- 16 Q And were they doing -- did they both have this job at 17 the same time or at different times, Scott and Becky? 18 A No, at the same time. She's up here and he's there, 19 two people, right there. Another one clipping, and two 20 of them opening socks. 21 Q When you were in personnel and you got the form, you 22 started writing on the form, right? 23 A No. It was a white paper. 24 Q Let me see. So I'm showing you what's been marked as 25 <u>Exhibit 15</u>. Is this your writing on here?</p>